



AGENDA

Meeting Location:

Sloat Room

Atrium Building

99 West 10th Avenue

Eugene, Oregon 97401

Phone: 541-682-5481
www.eugene-or.gov/pc

The Eugene Planning Commission welcomes your interest in this agenda item. Feel free to come and go as you please at the meeting. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the Planning Department at 541-682-5675.

TUESDAY, JULY 12, 2016 – 6:00 P.M.**PUBLIC HEARING/POSSIBLE ACTION: ANNUAL MAINTENANCE OF THE LAND USE CODE (CA 16-3):**

These land use code amendments focus on corrective or legal issues, which, if left unaddressed, pose a challenge in the administration of the land use code.

Lead City Staff: Alissa Hansen, 541-682-5508
 alissa.h.hansen@ci.eugene.or.us

Public Hearing Format:

The Planning Commission will receive a brief City staff report followed by an opportunity for public comment. Time limits on testimony may be imposed. The Planning Commissions may seek a response to testimony from City staff. At the end of the hearing, the Planning Commission Chairs will announce whether the record is closed, the record will be held open, or the public hearing will be continued.

Eugene Commissioners: Steven Baker; John Barofsky; John Jaworski (Chair); Jeffrey Mills;
 Brianna Nicolello; William Randall; Kristen Taylor (Vice Chair)

AGENDA ITEM SUMMARY
July 12, 2016

To: Eugene Planning Commission

From: Alissa Hansen, City of Eugene Planning Division

Subject: Public Hearing/Possible Action on Land Use Code Amendments:
Annual Maintenance of the Land Use Code (City File CA 16-3)

ACTION REQUESTED

Hold a public hearing and possibly take action on land use code amendments related to annual maintenance of the code.

BRIEFING STATEMENT

Last year, in recognition of the need to regularly improve and maintain the land use code, City Council initiated the code maintenance program. This program addresses corrective or legal issues, which, if left unaddressed, pose a challenge in the administration of the land use code. The first set of code maintenance amendments was approved by City Council in July 2015.

Consistent with the program intent, this year's set of amendments consists of a modest number of discrete amendments that address:

- Corrective amendments that are intended to fix errors or conflicts by correcting code references, removing obsolete language or adding language that was inadvertently omitted. These amendments do not affect policy or the intent of the code.
- Legal amendments that respond to changes in state law (such as revisions to Oregon Revised Statutes) to remove conflicts between provisions in the code and state regulations.

A summary of the proposed amendments and draft code language is provided as Attachment A.

Code maintenance amendments will be brought forward on an annual basis. To ensure that the code maintenance amendments remain manageable within existing resources, the amendments do not address policy issues or topics associated with other Planning Division work program items. Future amendments that do address policy issues or other Planning Division work program items will be brought forward separately as part of the *code improvement program* following adoption of a Eugene-specific urban growth boundary. Staff will engage the Planning Commission to help prioritize the topics and return to City Council to seek initiation before proceeding with future amendments under the code improvement program.

Referrals and Public Hearing Notice

Notice of the public hearing was sent to all neighborhood organizations in Eugene, the Oregon Department of Land Conservation and Development, and community groups and individuals who have requested notice. In addition, notice was also published in the Register Guard. No testimony has been received to date. Testimony received prior to the public hearing will be forwarded to the Planning Commission. Any additional written comments received after the preparation of this staff report will be provided to the Planning Commission at the public hearing for inclusion into the public record.

Applicable Criteria

The Eugene Planning Commission shall address the relevant approval criteria from the Eugene Code (EC), below, in making their recommendation to the Eugene City Council on the proposed code amendments.

EC 9.8065 Code Amendment Approval Criteria. If the city council elects to act, it may, by ordinance, adopt an amendment to this land use code that:

- (1) Is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission.***
- (2) Is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.***
- (3) In the case of establishment of a special area zone, is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone.***

Preliminary findings addressing the above approval criteria have been prepared and are provided as Attachment B.

RECOMMENDATION/NEXT STEPS

Staff recommends that the Planning Commission hold a public hearing and review the public testimony related to these proposed code amendments. Following the public hearing, the Planning Commission will deliberate on the proposed code amendments and provide a recommendation to the City Council.

In the event the Planning Commission does not finish deliberations or provide a recommendation immediately following the hearing, deliberations will be scheduled for a date in August 2016. Following Planning Commission deliberations/recommendations, a public hearing before the City Council will be scheduled for fall of 2016, with City Council action to be scheduled following the public hearing.

ATTACHMENTS

- A. Summary of Amendment/Draft Code Language
- B. Preliminary Findings

FOR MORE INFORMATION

Alissa Hansen at 541-682-5508 or alissa.h.hansen@ci.eugene.or.us

Annual Maintenance of the Land Use Code
Proposed Amendments – July 5, 2016

1. Definition of Reconfiguration		Type: Legal																																																																						
<p>Issue: State law has changed to allow removal of a platted lot or parcel line through a property line adjustment (as opposed to a replat). Currently, applications for property line adjustments must be consistent with the definition of “reconfiguration of a lot or parcel” which precludes the removal of a platted lot line. For consistency with state law, this portion of the definition needs to be removed.</p>	<p>Proposed Change:</p> <p>9.0500 Definitions. A[-]s used in this land use code, unless the context requires otherwise, the following words and phrases mean:</p> <p>Reconfiguration of Lots or Parcels. Changes to legal lot lines that result in any of the following:</p> <p>(A) Creation of an additional lot or parcel;</p> <p>(B) More than 2 changes to any of the boundaries of an individual lot or parcel within 1 calendar year;</p> <p>(C) A change in the size of a lot or parcel by more than 200 percent; or</p> <p>(D) Creation of substandard public facilities or services, including, but not limited to, streets (access and widths), access easements, and public utility easements[; or</p> <p>(E) A change in the number of platted lots and parcels].</p>																																																																							
2. Commercial Zone Land Uses and Permit Requirements		Type: Corrective																																																																						
<p>Issue: Per Table 9.2160, parks and non-publicly owned open spaces are allowed in the C-2, C-3 and GO zones, subject to (8) of the Special Use Limitations. However, (8) is no longer the correct reference, due to the addition of a new (8) as part of the Employment/Industrial Zone Code Amendments (Ordinance No. 20528). The reference needs to be corrected to reflect the update.</p> <p>Additionally, as part of the Employment/Industrial Zone Code Amendments, the allowance for a new homeless shelter (subject to a conditional use permit), as well as the allowance for regional distribution centers and wholesale trade were removed from the C-4 Commercial/Industrial zone, when the C-4 zone was changed to the E-2 Mixed Use Employment zone (the uses are allowed in the E-2 zone). However, the use listings were not removed from the commercial zone table, and need to be corrected.</p>	<p>Proposed Change:</p> <table><tr><th colspan="5">Table 9.2160 Commercial Zone Land Uses and Permit Requirements</th></tr><tr><th></th><th>C-1</th><th>C-2</th><th>C-3</th><th>GO</th></tr><tr><td colspan="5">Entertainment and Recreation</td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td>Park and Non-Publicly Owned Open Space Use (See EC 9.2620):</td><td></td><td>S(8)</td><td>S(8)</td><td>S(8)</td></tr><tr><td>Uses not specifically listed in this Table 9.2160 that are listed under the “Entertainment and Recreation” category in Table 9.2630.</td><td></td><td>(9)</td><td>(9)</td><td>(9)</td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td colspan="5">Lodging</td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td>[Homeless Shelter not in existence as of January 1, 1984]</td><td></td><td></td><td></td><td></td></tr><tr><td colspan="5">Trade (Retail and Wholesale)</td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td>[Regional Distribution Center]</td><td></td><td></td><td></td><td></td></tr><tr><td>[Wholesale Trade (excluding regional distribution center)]</td><td></td><td></td><td></td><td></td></tr></table>		Table 9.2160 Commercial Zone Land Uses and Permit Requirements						C-1	C-2	C-3	GO	Entertainment and Recreation										Park and Non-Publicly Owned Open Space Use (See EC 9.2620):		S (8)	S (8)	S (8)	Uses not specifically listed in this Table 9.2160 that are listed under the “Entertainment and Recreation” category in Table 9.2630.		(9)	(9)	(9)						Lodging										[Homeless Shelter not in existence as of January 1, 1984]					Trade (Retail and Wholesale)										[Regional Distribution Center]					[Wholesale Trade (excluding regional distribution center)]				
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3. Employment and Industrial Zone Land Use and Permit Requirements		Type: Corrective																																																																						
<p>Issue: Certain commercial uses, such personal services and wholesale and retail trade are allowed in the E-2 Mixed Use Employment zone if the property is located on a major arterial street. Although the intent of this provision to allow these uses only on properties with frontage on a major arterial street is documented as part of the record for the adoption process for the Employment/Industrial Zone Code Amendment, there has been confusion as to the standard for lots that do not front such streets. As such, this section needs to be amended to clarify the</p>	<p>Proposed Change:</p> <p>9.2451 Special Use Limitations for Table 9.2450.</p> <p>(2) Special Allowances for properties with frontage on major arterial streets in the E-2 zone. On lots with frontage on a major arterial street, the uses allowed in Table 9.2450 subject to this standard shall not exceed 30,000 square feet of building area per development site. This square footage limitation shall apply only to new development, and it shall not preclude reuse of existing buildings. Such uses are not allowed on lots without frontage on major arterial streets.</p>																																																																							

applicability. Additionally, the provision needs to clarify that the 30,000 square foot limitation specifically relates to the size of a building, not the entire use (which would include parking areas, associated landscaping, etc).																																											
4. Employment and Industrial Zone Development Standards																																											
Type: Corrective																																											
<p>Issue: As part of the Employment/Industrial Zone Code Amendments, Table 9.2461 was amended to require the High <i>Wall</i> Landscape (L-3) standard in I-2 and I-3 zones adjacent to a street, to screen outdoor storage. However, the intended standard is the High <i>Screen</i> Landscape Standard (L-3) (not High Wall, which is L-4). To correct this internal inconsistency, the name of the landscape standard needs to be corrected.</p>	<p>Proposed Change:</p> <table><tr><th colspan="6">Table 9.2461(8) Outdoor Storage and Display-Setbacks and Landscaping</th></tr><tr><th></th><th></th><th>E-1</th><th>E-2</th><th>I-2</th><th>I-3</th></tr><tr><th colspan="6">Outdoor Storage</th></tr><tr><td rowspan="3">Adjacent to a street.</td><td>Permitted:</td><td>Yes</td><td>Yes</td><td>Yes</td><td>Yes</td></tr><tr><td>Setback:</td><td>20 feet</td><td>15 feet</td><td>10 feet</td><td>10 feet</td></tr><tr><td>Landscape:</td><td>Low Screen Landscape Standard – (L-2)</td><td>Low Screen Landscape Standard – (L-2)</td><td>High [Wall] Screen Landscape Standard – (L-3)</td><td>High [Wall] Screen Landscape Standard – (L-3)</td></tr></table>	Table 9.2461(8) Outdoor Storage and Display-Setbacks and Landscaping								E-1	E-2	I-2	I-3	Outdoor Storage						Adjacent to a street.	Permitted:	Yes	Yes	Yes	Yes	Setback:	20 feet	15 feet	10 feet	10 feet	Landscape:	Low Screen Landscape Standard – (L-2)	Low Screen Landscape Standard – (L-2)	High [Wall] Screen Landscape Standard – (L-3)	High [Wall] Screen Landscape Standard – (L-3)								
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5. Park, Recreation and Open Space Zone																																											
Type: Corrective																																											
<p>Issue: The Eugene Parks and Recreation Plan was repealed in 2006 (Ordinance No. 20362). However, two references to this plan remain in the land use code, and need to be removed.</p>	<p>Proposed Change:</p> <p>9.2600 Purpose of PRO Park, Recreation, and Open Space Zone. The Park, Recreation, and Open Space Zone (PRO) is intended to accomplish all of the following:</p> <p>(1) Implement the Metro Plan [, Eugene Parks and Recreation Plan, and other applicable plans by providing areas that will conserve and preserve a variety of parks, recreation areas, and open spaces to maintain livability of the metropolitan area.</p> <p>9.2620 PRO Zone Terms. The determination of park classification shall be [based on the Eugene Parks and Recreation Plan or made by the city manager. As used with reference to this zone, unless the context requires otherwise, the following words and phrases mean:</p>																																										
6. Residential Zone Development Standards																																											
Type: Corrective																																											
<p>Issue: New standards for existing alley access lots in the R-1 Low Density Residential zone were adopted as part of the Single Family Code Amendments (Ordinance No. 20541). These standards were intended to only apply in the R-1 zone, and the special development standards are titled “Alley Access Lots in R-1” (see EC 9.2751(18)). However, the table preceding these specific standards did not provide the same clarity regarding applicability to R-1. As such, the table needs to be revised consistent with the standards.</p>	<p>Proposed Change:</p> <table><tr><th colspan="6">Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</th></tr><tr><th></th><th>R-1</th><th>R-1.5</th><th>R-2</th><th>R-3</th><th>R-4</th></tr><tr><td colspan="6">Maximum Building Height (2), (3), (4), (5), (16), (17), (18)</td></tr><tr><td>Main Building. Does not include main building on Alley Access Lot <i>in R-1</i></td><td>30 feet</td><td>35 feet</td><td>35 feet</td><td>50 feet</td><td>120 feet</td></tr><tr><td>Main Building on Alley Access Lot <i>in R-1</i></td><td>See (18)</td><td>--</td><td>--</td><td>--</td><td>--</td></tr><tr><td colspan="6">Maximum Lot Coverage (17), (18)</td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>	Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)							R-1	R-1.5	R-2	R-3	R-4	Maximum Building Height (2), (3), (4), (5), (16), (17), (18)						Main Building. Does not include main building on Alley Access Lot <i>in R-1</i>	30 feet	35 feet	35 feet	50 feet	120 feet	Main Building on Alley Access Lot <i>in R-1</i>	See (18)	--	--	--	--	Maximum Lot Coverage (17), (18)											
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7. Duplex Division - Average Lot Width		Type: Corrective								
Issue: The method for measuring lot width was revised several years ago to eliminate the use of “average” lot width. However, one reference to average lot width remains and needs to be deleted.	Proposed Change: 9.2777 <u>Duplex Division Lot Standards.</u> (2) <u>Land Division Regulations.</u> All applicable regulations for the type of land division process being used must be met except where the duplex division lot standards create different requirements. (a) The existing lot must contain at least 8,000 square feet. (b) The resulting lots will be relatively equal in size with the maximum difference equal to 10 percent or less of the total area of the original lot. (c) The [average] lot width is at least 40 feet. (d) The minimum lot area is at least 3,600 feet.									
8. Bicycle Parking Requirements - References		Type: Corrective								
Issue: When the bicycle parking standards were revised in conjunction with the multi-family standards (Ordinance No. 20492) some of the code sections within the bicycle parking standards were renumbered. Two references to these standards found elsewhere in the land use code were not changed accordingly. These sections need to be updated to reflect the correct code references.	Proposed Change: 9.3165 <u>S-DR Downtown Riverfront Special Area Zone Parking Requirements.</u> (3) <u>Bicycle Parking.</u> The minimum and maximum parking standards in Table EC 9.3165(3) apply instead of the standards in Table 9.6105[(4)](5). 9.3970 <u>S-WS Walnut Station Special Area Zone Development Standards Applicable to All Properties in the Walnut Station Special Area Zone.</u> (4) <u>Parking Requirements.</u> (e) <u>Bicycle parking.</u> The following minimum bicycle parking standards apply instead of the standards in Table 9.6105[(4)](5). Uses shall provide a minimum number of bicycle parking spaces as designated in Table 9.3970(4)(e) below. Where two options are provided (e.g., 4 spaces, or 1 per dwelling), the option resulting in more bicycle parking shall be used. The remaining standards in EC 9.6105 [(4-3)](1-4) and EC 9.6110 are applicable within the S-WS zone.									
9. Downtown Westside Special Area Zone Uses and Permit Requirements		Type: Corrective								
Issue: Within the Downtown Westside Special Area Zone (S-DW zone), a bed and breakfast is a permitted use subject to the Bed and Breakfast Standards at EC 9.5100. However, EC 9.5100 provides standards for bed and breakfasts in the AG, R-1, R-2, R-3 and R-4 zones only (not the S-DW zone). To clarify which of the standards are intended to apply in Downtown Westside, the reference in the table needs to be revised. In this case, because the S-DW provides that residential development be subject to the standards established for the R-4 zone, the standards for R-4 zone (High Density Residential) apply.	Proposed Change: <table><tr><th colspan="2">Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements</th></tr><tr><td></td><td>S-DW</td></tr><tr><th colspan="2">Lodging</th></tr><tr><td>Bed and Breakfast ([See] <i>Comply with EC 9.5100(3) for the R-4 zone</i>)</td><td>S</td></tr></table>		Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements			S-DW	Lodging		Bed and Breakfast ([See] <i>Comply with EC 9.5100(3) for the R-4 zone</i>)	S
Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements										
	S-DW									
Lodging										
Bed and Breakfast ([See] <i>Comply with EC 9.5100(3) for the R-4 zone</i>)	S									
10. Downtown Westside Special Area Zone Development Standards		Type: Corrective								
Issue: The Downtown Westside Special Area Zone requires that 20 percent of a development site be landscaped with living plant material. Table 9.3215 provides this standard for Minimum Landscape Area, and specifically excludes required landscaping for parking areas from counting towards this minimum requirement. However, the special standards associated with this table conflict with this provision, and state that any required landscaping, such as for off-street parking areas, can be applied towards minimum landscape requirements. To resolve this conflict,	Proposed Change: <table><tr><th colspan="2">Table 9.3215 S-DW Downtown Westside Special Area Zone Development Standards</th></tr><tr><td></td><td>S-DW</td></tr><tr><td></td><td></td></tr><tr><td>Minimum Landscape Area (8) ([Excludes required landscaping for parking areas.] Landscape areas may include rooftops or terraces accessible to building occupants.)</td><td>20% of development site</td></tr></table> 9.3216 <u>Special Development Standards for Table 9.3215.</u>		Table 9.3215 S-DW Downtown Westside Special Area Zone Development Standards			S-DW			Minimum Landscape Area (8) ([Excludes required landscaping for parking areas.] Landscape areas may include rooftops or terraces accessible to building occupants.)	20% of development site
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Minimum Landscape Area (8) ([Excludes required landscaping for parking areas.] Landscape areas may include rooftops or terraces accessible to building occupants.)	20% of development site									

the table needs to be amended to be consistent with the special standards.	<p>(8) Landscape Standards.</p> <p>(a) <u>Minimum Landscape Area Required.</u> At least 20% of the development site shall be landscaped with living plant materials. All required landscaping shall comply with landscape standards beginning at EC 9.6200 <u>Purpose of Landscape Standards.</u> Any required landscaping, such as for required front yard setbacks or off-street parking areas, shall apply toward the minimum landscape requirements for the development site.</p>	
11. Commercial Airport Safety Overlay Zone		Type: Corrective
<p>Issue: The height limitations in the Commercial Airport Safety overlay zone reference Runway 3-21, which has been decommissioned, per the Eugene Airport Master Plan. As such, reference to it needs to be removed.</p>	<p>Proposed Change:</p> <p>9.4130 <u>Use Limitations.</u> In the Commercial Airport Safety overlay zone, the following limitations and standards apply to all uses permitted outright or conditionally in the base zone to which the overlay is applied:</p> <p>(3) Height.</p> <p>[Runway 3-21 Approach Sectors. Runway 3-21 is a non-precision runway. The inner edge of the runway's approach sectors coincide with the width of the runway's primary surface and are 500 feet wide. The approach sectors expand outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Their centerlines are a continuation of the runway centerline beginning at the centerpoint coordinates. The surfaces of the Runway 3-21 approach sectors slope 34 feet outward for each 1 foot upward beginning at the end of and at the same elevation as the primary surface and extend to a horizontal distance of 10,000 feet along the extended runway centerline.]</p>	
12. Low Screen Landscape Standards		Type: Corrective
<p>Issue: Because the Low Screen Landscape Standard is required along both streets lot lines and interior lot lines, depending on the circumstance, the word “street” needs to be removed for clarification.</p>	<p>Proposed Change:</p> <p>9.6210 <u>Description of Landscape Standards.</u></p> <p>(2) Low Screen Landscape Standard (L-2).</p> <p>(a) <u>Required Plant Materials.</u> Low Screen Landscape Standard (L-2) requires the installation and maintenance of all of the following:</p> <ol style="list-style-type: none"> 1. Low shrubs to form a continuous screen at least 30 inches high within 3 years and maintained at a height not to exceed 42 inches. 2. 1 canopy tree per 30 linear feet as measured along the [street] lot line. 3. Living plant materials covering a minimum of 70 percent of the required landscape area within 3 years of planting. 	
13. Application Completeness Review		Type: Corrective
<p>Issue: Consistent with changes to state law, final plat applications for partitions or subdivisions became subject to the Type I (administrative review) land use application requirements several years ago. Previously they were subject to the Type II (Planning Director review) requirements. As a result of this change in process, and recognition that the requirement for completeness review is not practical because these applications are not technically complete until the official final plat is ready to be signed and recorded (which is at the very end of the review process and can often take more than 180 days), final plat applications need to be exempt from this requirement.</p>	<p>Proposed Change:</p> <p>9.7015 <u>Application Completeness Review.</u> The city shall review an application, <i>other than a partition or subdivision final plat</i>, and, within 30 days of its receipt, notify the applicant as to whether the application is complete. If the city determines that the application contains sufficient information for review, the city shall advise the applicant in writing that the application is deemed complete and begin the application review process. If the city determines that the application is incomplete, the city shall advise the applicant in writing of the necessary missing information. The city shall begin review of the application either:</p> <ol style="list-style-type: none"> (1) Upon receipt of all of the missing information requested by the city; or (2) Upon receipt of some of the missing information and a written statement from the applicant indicating that none of the other missing information will be provided; or (3) Upon receipt of a written statement from the applicant indicating that none of the missing information will be provided. <p>On the 181st day after being first submitted, the application will be void if the applicant has been notified of the missing information and has not complied with (1), (2), or (3) of this section.</p>	
14. Type II Application Expiration		Type: Corrective
<p>Issue: Site review and standards review application approvals are effective for 18 months. This is problematic when these applications are processed concurrently with tentative subdivisions or planned unit developments, which are effective for 36 months. This can result in a situation</p>	<p>Proposed Change:</p> <p>9.7230 <u>Expiration.</u></p> <p>(6) <i>Approvals for [S]site review and standards review [approvals] not considered as part of another land use application</i> and modifications of such approvals shall be effective for 18 months after the effective date of approval. Within that time, the applicant shall submit a final plan and an</p>	

where an approved subdivision or planned unit development is in effect, but the concurrent approved site review or standards review applications have expired, and new application must be submitted and approved before the concurrent subdivision or planned unit development can be implemented. The proposed change is similar to that already provided for adjustment reviews and traffic impact analysis applications processed currently with other land use applications.	application for a development permit. Prior to the expiration date, the applicant may submit a modification requesting a change to the commencement or expiration time period. Site review or standards review approvals that are considered as part of another land use application shall be effective for the same time period as the primary land use application.																												
15. Type IV Application Requirements and Criteria																													
Type: Legal																													
Issue: To be consistent with state law (and current practice), this section needs to be revised to provide for site specific code amendments as Type IV applications, as opposed to a Type V or legislative application process.	<p>Proposed Change:</p> <p>9.7405 <u>Type IV Application Requirements and Criteria Reference.</u> The following applications are reviewed under the Type IV review process according to the requirements and criteria set forth for each application as reflected in the beginning reference column in Table 9.7405.</p> <table><tr><th colspan="2">Table 9.7405 Type IV Application Requirements and Criteria</th></tr><tr><th>Type IV Applications</th><th>Beginning Reference</th></tr><tr><td>Refinement Plan Amendment, Site Specific Change</td><td>EC 9.8421</td></tr><tr><td>Land Use Code Amendment, Site Specific Change</td><td>EC 9.8060</td></tr><tr><td>Street Name Change</td><td>EC 9.8475</td></tr><tr><td>Zone Changes Processed Concurrent with a site specific Refinement Plan amendment*</td><td>EC 9.8850</td></tr></table> <p>*A zone change to apply the /ND overlay zone shall be processed according to EC 9.4260.</p> <p>9.7505 <u>Type V Application Requirements and Criteria Reference.</u> The following applications are reviewed under the Type V review process according to the requirements and criteria set forth for each application as reflected in the beginning reference column in Table 9.7505:</p> <table><tr><th colspan="2">Table 9.7505 Type V Application Requirements and Criteria</th></tr><tr><th>Type V Applications</th><th>Beginning Reference</th></tr><tr><td>Land Use Code Amendments that are not limited to a specific site</td><td>EC 9.8060</td></tr><tr><td>Refinement Plan Amendments to policies and/or maps that are not limited to a specific site</td><td>EC 9.8421</td></tr><tr><td>Refinement Plan Adoption or Update</td><td>EC 9.8421</td></tr><tr><td>Zone Change concurrent with a Code Amendment</td><td>EC 9.8850</td></tr><tr><td>Special Area Zone Establishment or Amendment</td><td>EC 9.3000</td></tr><tr><td>Zone Change to apply the /ND Overlay Zone to Nodal Development Areas concurrent with a Metro Plan diagram amendment to apply the ND Nodal Development designation</td><td>EC 9.4260</td></tr></table> <p>9.8855 <u>Applicability.</u> Changes in zoning, including the application of or change of an overlay zone or special area zone shall be processed as a Type III application as provided in EC 9.7300 through EC 9.7340 Type III Application Procedures, with the following exceptions:</p> <p>(4) The proposed zone change is processed concurrently with an amendment to this land use code; in which case, the zone change shall be processed as a Type IV or Type V application as provided in EC 9.7400 through EC 9.7455 Type IV Application Procedures [for in] and EC 9.7500 through EC 9.7560 Type V Application Procedures.</p>	Table 9.7405 Type IV Application Requirements and Criteria		Type IV Applications	Beginning Reference	Refinement Plan Amendment, Site Specific Change	EC 9.8421	Land Use Code Amendment, Site Specific Change	EC 9.8060	Street Name Change	EC 9.8475	Zone Changes Processed Concurrent with a site specific Refinement Plan amendment*	EC 9.8850	Table 9.7505 Type V Application Requirements and Criteria		Type V Applications	Beginning Reference	Land Use Code Amendments that are not limited to a specific site	EC 9.8060	Refinement Plan Amendments to policies and/or maps that are not limited to a specific site	EC 9.8421	Refinement Plan Adoption or Update	EC 9.8421	Zone Change concurrent with a Code Amendment	EC 9.8850	Special Area Zone Establishment or Amendment	EC 9.3000	Zone Change to apply the /ND Overlay Zone to Nodal Development Areas concurrent with a Metro Plan diagram amendment to apply the ND Nodal Development designation	EC 9.4260
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16. Annexation Application Requirements																													
Type: Corrective																													
Issue: Applications for annexations are required to include a full-sized cadastral map from Lane County Assessment and Taxation for noticing the Oregon Department of Revenue at the end of the process. Due to a change in	<p>Proposed Change:</p> <p>9.7810 <u>Annexation – Application Requirements.</u> An application for annexation under the provisions of EC 9.7800 – 9.7835 may be initiated by motion of the city council or by the filing of an application for an annexation. In addition to the provisions in EC 9.7010 Application Filing, an application for annexation</p>																												

state process, this map is no longer needed and reference to it needs be removed.	shall include the following: (8) [A county assessor's cadastral map of the land proposed for annexation.] *Renumber remainder of section
17. Walnut Station Special Area Zone References	
Type: Corrective	
Issue: As a result of the Walnut Station Special Area Zone being added to the land use code (Ordinance No. 20460), sections EC 9.3950 through EC 9.3980 were added at the end of the alphabetical listing of all base zones. Numerous references to all base zones (which previously were EC 9.2000 Agricultural Zone through EC 9.3915 Whiteaker Special Area Zone) need to be changed to include the Walnut Station Special Area Zone standards. As such, there are a number of references to EC 9.3915 that need to be changed to EC 9.3980.	Proposed Change:
	9.6640 <u>General Provisions.</u> (4) <u>Location Standards.</u> (a) <u>Setbacks.</u> All signs shall comply with the setback requirements beginning at EC 9.2000 through EC [9.3915] 9.3980 and EC 9.6745 <u>Setbacks - Intrusions Permitted.</u> Signs may be installed up to 5 feet into the required front yard setback except that freestanding signs up to 5 feet in height in the E-1 zone may be installed at least 5 feet from the front property line.
	9.8005 <u>Applicability and Effect of Application Requirements, Criteria, and Concurrent Review.</u> (1) Additional provisions addressing the applicability of sections 9.8000 through 9.8865 are found in EC 9.2000 through [9.3915] 9.3980 , which identify various uses that require approval of a particular land use application. Land use applications referred to in EC 9.8000 through 9.8865 are subject to the procedural requirements in EC 9.7000 through 9.7885, Application Procedures, and any additional requirements of EC 9.8000 through 9.8865. To the extent there is a conflict, the provisions in EC 9.8000 through 9.8865 control.
	9.8090 <u>Conditional Use Permit Approval Criteria - General.</u> A conditional use permit shall be granted only if the proposal conforms to all of the following criteria: (8) The proposal complies with all applicable standards, including but not limited to: (a) EC 9.2000 through [9.3915] 9.3980 regarding lot dimensions, solar standards, and density requirements for the subject zone;
	9.8215 <u>Partition, Tentative Plan Approval Criteria- General.</u> The planning director shall approve, approve with conditions, or deny a partition, with findings and conclusions. Approval, or approval with conditions, shall be based on compliance with the following criteria: (1) The proposed partition complies with all of the following, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone: (a) Lot standards of EC 9.2000 through [9.3915] 9.3980 regarding applicable parcel dimensions and density requirements. Within the /WR Water Resources Conservation Overlay Zone or the /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:
	9.8220 <u>Partition, Tentative Plan Approval Criteria- Needed Housing.</u> The planning director shall approve, conditionally approve, or deny the partition application. Unless the applicant elects to use the general criteria contained in EC 9.8215 <u>Partition, Tentative Plan Approval Criteria- General</u> , where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve or approve with conditions a partition based on compliance with the following criteria: (2) The proposed partition complies with all of the following: (a) Lot standards of EC 9.2000 through [9.3915] 9.3980 regarding applicable parcel dimensions and density requirements. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:
	9.8320 <u>Tentative Planned Unit Development Approval Criteria- General.</u> The hearings official shall approve, approve with conditions, or deny a tentative PUD application with findings and conclusions. Decisions approving an application, or approving with conditions shall be based on compliance with the following criteria: (10) The PUD complies with all of the following: (a) EC 9.2000 through [9.3915] 9.3980 regarding lot dimensions and density requirements for the subject zone. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:
	9.8325 <u>Tentative Planned Unit Development Approval Criteria - Needed Housing.</u> The hearings official shall approve, conditionally approve, or deny the

	<p>PUD application with findings and conclusions. Unless the applicant elects to use the general criteria contained in EC 9.8320 <u>Tentative Planned Unit Development Approval Criteria - General</u>, where the applicant proposes needed housing, as defined by the State statutes, the hearings official shall approve or approve with conditions a PUD based on compliance with the following criteria:</p> <p>(7) The PUD complies with all of the following:</p> <p>(a) EC 9.2000 through [9.3945] 9.3980 regarding lot dimensions and density requirements for the subject zone. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:</p>
9.8440	<p>Site Review Approval Criteria-General. The planning director shall approve, conditionally approve, or deny the site review application. Approval or conditional approval shall be based on compliance with the following criteria:</p> <p>(5) The proposal complies with all of the following standards:</p> <p>(a) EC 9.2000 through [9.3945] 9.3980 regarding lot dimensions and density requirements for the subject zone.</p>
9.8445	<p>Site Review Approval Criteria- Needed Housing. The planning director shall approve, conditionally approve, or deny the site review application. Unless the applicant elects to use the general criteria contained in EC 9.8440 <u>Site Review Approval Criteria - General</u>, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve or approve with conditions a site review based on compliance with the following criteria:</p> <p>(4) The proposal complies with all of the following standards:</p> <p>(a) EC 9.2000 through [9.3945] 9.3980 regarding lot dimensions and density requirements for the subject zone.</p>
9.8515	<p>Subdivision, Tentative Plan Approval Criteria - General. The planning director shall approve, approve with conditions, or deny a proposed subdivision. Approval, or approval with conditions shall be based on compliance with the following criteria:</p> <p>(1) The proposed subdivision complies with the following, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone:</p> <p>(a) EC 9.2000 through [9.3945] 9.3980 regarding lot dimensions and density requirements for the subject zone. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:</p>
9.8520	<p>Subdivision, Tentative Plan Approval Criteria - Needed Housing. The planning director shall approve, conditionally approve, or deny the subdivision application. Unless the applicant elects to use the general criteria contained in EC 9.8515 <u>Subdivision, Tentative Plan Approval Criteria- General</u>, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve or approve with conditions a subdivision based on compliance with the following criteria:</p> <p>(3) The proposed subdivision complies with all of the following, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone:</p> <p>(a) EC 9.2000 through [9.3945] 9.3980 regarding lot dimensions and density requirements for the subject zone. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:</p>
9.8750	<p>Purpose of Variances. The provisions of EC 9.5750(9), 9.6708, and 9.8750 through 9.8760 allow for partial or full exemption from specific land use code standards only when, because of special circumstances applicable to the property, including location, shape, size, surroundings, or topography, the strict application of those regulations would deny the property owner uses enjoyed by other property owners in the vicinity and under identical zones. Any variance granted shall be subject to conditions that ensure the variance does not constitute a granting of special uses inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. The city shall not grant variances which allow uses not on the applicable list of allowed uses specified in EC 9.2000 through [9.3945] 9.3980 of this land use code.</p>
9.8755	<p>Applicability. Unless specified otherwise in another land use code section, the planning director may grant variances only to the standards prescribed in:</p> <p>(1) EC 9.2000 to [9.3945] 9.3980 for the following:</p> <p>(a) Building Height.</p> <p>(b) Fences and Walls.</p> <p>(c) Front Yard Setbacks.</p> <p>(d) Interior Yard Setbacks.</p>

	<p>9.8760 <u>Approval Criteria for Variances.</u> The planning director shall approve, conditionally approve, or deny a variance, with findings and conclusions thereon following a Type II process. Approval, or conditional approval shall be based on compliance with all the following criteria:</p> <p>(4) In addition to the above criteria, the following 3 criteria apply to variances from code sections that apply to EC 9.6410 <u>Motor Vehicle Parking Standards</u>, and from EC 9.2000 to [9.3915] 9.3980 base zone regulations as applied to fences and walls.</p>
18. Final Planned Unit Development Application Requirements	
Type: Corrective	
<p>Issue: The requirements for a final planned unit development (PUD) application stipulate that individual phases of a PUD may not be submitted for final approval until the phases are legal lots. For PUDs that are intended to create separate lots (such as a residential PUD), this creates a situation that is impossible to meet, as the subdivision (which creates the legal lots) cannot be approved until the implementing PUD is finalized. The approved plans for a final PUD are intended to set up the phase boundaries, to be implemented though the subsequent subdivision process. Accordingly, this provision needs to be removed.</p>	<p>Proposed Change:</p> <p>9.8360 <u>Planned Unit Development, Final Plan Application Requirements.</u> In addition to the provisions in EC 9.7010 <u>Application Filing</u>, the following specific requirements apply to PUD final plan applications:</p> <p>(1) Applications shall contain final maps and supplemental materials required to demonstrate compliance with tentative plan conditions of approval.</p> <p>(2) Final PUD plans may be submitted in phases, if such phases were approved as part of the tentative PUD consideration. The boundaries of each phase of the final PUD plans shall coincide with the boundaries of the phasing areas approved at the tentative plan stage. Requests to extend the time frame for a specific phase shall be subject to EC 9.7340 <u>Expiration</u>.</p> <p>(3) [Individual phases of a PUD may not be submitted for final PUD review until the boundaries of the phases are legal lots as defined in this land use code, and documents necessary to assure permanent maintenance, at no expense to the city, of buildings, common use facilities, landscaping, open space, and outdoor living areas have been executed and recorded.]</p> <p>*renumber remaining section</p>
19. Metro Plan Amendment Process References	
Type: Corrective	
<p>Issue: As a result of the Metro Plan Amendment Process Code Amendments (Ordinance No. 20400) EC 9.7800 through 9.7885 were repealed, and new sections EC 9.7800 through 9.7835 were added. There are several references to EC 9.7885 throughout the code that need to be amended to EC 9.7835, to reflect these changes.</p>	<p>Proposed Change:</p> <p>9.7000 <u>Introduction.</u> Review of an application to annex property, divide land, develop or use property, or amend this land use code, the <u>Metro Plan</u>, or a refinement plan, shall be processed as provided in sections 9.7000 through [9.7885] 9.7835.</p> <p>9.8005 <u>Applicability and Effect of Application Requirements, Criteria, and Concurrent Review.</u></p> <p>(1) Additional provisions addressing the applicability of sections 9.8000 through 9.8865 are found in EC 9.2000 through 9.3915, which identify various uses that require approval of a particular land use application. Land use applications referred to in EC 9.8000 through 9.8865 are subject to the procedural requirements in EC 9.7000 through [9.7885] 9.7835, Application Procedures, and any additional requirements of EC 9.8000 through 9.8865. To the extent there is a conflict, the provisions in EC 9.8000 through 9.8865 control.</p> <p>9.8085 <u>Conditional Use Permit Application Requirements.</u> Conditional use applications shall be processed in accordance with the application procedures contained in EC 9.7000 through [9.7885] 9.7835, Application Procedures. When a conditional use permit is required for the proposed use, no development permit application shall be accepted by the city until the hearings official or planning commission approves the conditional use permit, and then only in accordance with the terms and conditions of that conditional use permit. If the proposal includes needed housing, as defined by state statutes, the written statement submitted with the conditional use permit application shall clearly state whether the applicant is electing to use the general approval criteria in EC 9.8090 <u>Conditional Use Permit Approval Criteria - General</u> instead of the approval criteria found in EC 9.8100 <u>Conditional Use Permit Approval Criteria - Needed Housing</u>.</p> <p>9.8423 <u>General Requirements.</u> Applications for refinement plan amendments shall be submitted on a form approved by the city manager and reviewed under a Type IV process for site specific amendments or otherwise, a Type V process according to EC 9.7000 through [9.7885] 9.7835 Application Procedures.</p> <p>9.8705 <u>Applicability of Vacation Procedures.</u></p> <p>(3) Vacation of public ways and public easements may be applied for by private citizens, public agencies, or the city council in accordance with EC 9.7000 through [9.7885] 9.7835 Application Procedures.</p> <p>9.8710 <u>Vacations, Application Requirements.</u></p> <p>(1) Vacation of unimproved public easements shall be considered in accordance with the Type I Application Procedures contained in EC 9.7000</p>

	<p>through [9.7885] 9.7835 and the approval criteria contained in EC 9.8715. In the case of public utility easements, statements of concurrence with the vacation from affected utility providers must be submitted with the application.</p> <p>(2) Vacation of improved public easements, unimproved public right-of-way, and vacation and rededication of unimproved public rights-of-way, except improved public easements and public right-of-way located within undeveloped subdivision or partition plats, shall be considered in accordance with the Type II Application Procedures contained in EC 9.7000 through [9.7885] 9.7835 and the approval criteria contained in EC 9.8720. In the case of public utility easements, letters of concurrence to the vacation from affected utility providers must be submitted with the application.</p> <p>9.8810 <u>General Requirements.</u></p> <p>(1) Willamette Greenway permit applications shall be considered in accordance with the Type III application procedures contained in EC 9.7000 through EC [9.7885] 9.7835 Application Procedures unless considered concurrently with a Type IV or Type V application.</p>
20. Site Review Applicability	
Type: Legal	
<p>Issue: The requirement that applications proposing needed housing (including conditional use permits, partitions, subdivisions and planned unit developments) also complete a site review application is redundant, and results in unreasonable cost and delay, which is inconsistent with state law. As such, this provision needs to be removed.</p>	<p>Proposed Change:</p> <p>9.8430 <u>Applicability.</u> Site review provisions shall be applied when any of the following conditions exist:</p> <p>(1) Property is zoned with the /SR overlay zone and the proposal would result in either of the following:</p> <p>(a) New development of vacant sites (excluding partitions and any development that consists only of new or expanded parking areas).</p> <p>(b) An expansion of 20 percent or more of the total existing building square footage on the development site.</p> <p>(2) The proposed use on the property is identified as a use which requires site review under other provisions of this land use code and the proposal would result in either of the following:</p> <p>(a) New development of vacant sites (excluding development that consists only of new or expanded parking areas).</p> <p>(b) An expansion of 20 percent or more of the total existing building square footage on the development site.</p> <p>[(3) The application proposes needed housing, as defined by State statutes. Applications proposing needed housing shall be reviewed through the Type II site review procedures utilizing the criteria at EC 9.8445 <u>Site Review Approval Criteria – Needed Housing</u> unless the applicant specifically request in the application that the city apply the criteria at EC 9.8440 <u>Site Review Approval Criteria – General.</u>]</p> <p>In lieu of site review, an application that falls within (1)[,] or (2)[, or (3)] above, may obtain approval through the Planned Unit Development process. No development permit shall be issued by the city prior to approval of the site review application, or the final planned unit development application.</p>

Findings

Annual Maintenance of the Land Use Code (City File CA 16-3)

DESCRIPTION HERE

Findings

Eugene Code Section 9.8065 requires that the following approval criteria (in ***bold italics***) be applied to a code amendment:

- (1) The amendment is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.***

Goal 1 - Citizen Involvement. *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The amendments do not amend the citizen involvement program. The process for adopting these amendments complied with Goal 1 because it is consistent with the citizen involvement provisions.

A Notice of Proposed Amendment was filed with the Oregon Department of Land Conservation and Development on June 6, 2016. A public hearing was scheduled before the Planning Commission on July 12, 2016. A public hearing is scheduled before the City Council for fall of 2016. Consistent with code requirements, the Planning Commission public hearing on the proposal was duly noticed to all neighborhood organizations in Eugene, community groups and individuals who have requested notice. In addition, notice of the public hearing was also published in the Register Guard. Information concerning the proposed amendments the dates of the public hearings were posted on the City of Eugene websites.

These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the ordinance is consistent with Statewide Planning Goal 1.

Goal 2 - Land Use Planning. *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.*

Eugene's land use code specifies the procedure and criteria that were used in considering these amendments. The record shows that there is an adequate factual base for the amendments. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of the citizens.

To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these amendments with all of the affected governmental units. Specifically, the City provided notice of the

proposed action and opportunity to comment to the Oregon Department of Land Conservation and Development. There are no exceptions to Statewide Planning Goal 2 required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Lands. To preserve agricultural lands.

The amendments are for property located within the urban growth boundary and do not affect any land designated for agricultural use. Therefore, Statewide Planning Goal 3 does not apply.

Goal 4 - Forest Lands. To conserve forest lands.

The amendments are for property located within the urban growth boundary and do not affect any land designated for forest use. Therefore, Statewide Planning Goal 4 does not apply.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources. To conserve open space and protect natural and scenic resources.

OAR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

- (a) *The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;*
- (b) *The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*
- (c) *The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

These amendments do not create or amend the City's list of Goal 5 resources, do not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, do not allow new uses that could be conflicting uses with a significant Goal 5 resource site and do not amend the acknowledged urban growth boundary. Therefore, Statewide Planning Goal 5 does not apply.

Goal 6 - Air, Water and land Resource Quality. To maintain and improve the quality of the air, water and land resources of the state.

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. The amendments do not affect the City's ability to provide for clean air, water or land resources. Therefore, Statewide Planning Goal 6 does not apply.

Goal 7 - Areas Subject to Natural Disasters and Hazards. To protect life and property from natural disasters and hazards.

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits a development in natural hazard areas without appropriate safeguards. The amendments do not affect the City's restrictions on development in areas subject to natural disasters and hazards. Further, the amendments do not allow for new development that could result in a natural hazard. Therefore, Statewide Planning Goal 7 does not apply.

Goal 8 - Recreational Needs. *To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The amendments do not affect the City's provisions for or access to recreation areas, facilities or recreational opportunities. Therefore, Statewide Planning Goal 8 does not apply.

Goal 9 - Economic Development. *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

Goal 9 requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The amendments do not impact the supply of industrial or commercial lands. Therefore, the amendments are consistent with Statewide Planning Goal 9.

Goal 10 - Housing. *To provide for the housing needs of citizens of the state.*

Goal 10 requires communities to provide an adequate supply of residential buildable land to accommodate estimated housing needs for a 20-year planning period. The amendments do not impact the supply of residential buildable land. No land is being re-designated from residential use to a nonresidential use, and the amendments do not otherwise diminish the lands available for residential use. Therefore, the amendments are consistent with Statewide Planning Goal 10.

Goal 11- Public Facilities and Services. *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The amendments do not affect the City's provision of public facilities and services. Therefore, Statewide Planning Goal 11 does not apply.

Goal 12- Transportation. *To provide and encourage a safe, convenient and economic transportation system.*

The Transportation Planning Rule (OAR 660-012-0060) contains the following requirement:

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
 - (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
 - (b) *Change standards implementing a functional classification system; or*
 - (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
 - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

- (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
- (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

The amendments do not change the functional classification of a transportation facility, change the standards implementing a functional classification system or degrade the preformation of a facility otherwise projected to not meet performance standards. Therefore, the amendments do not have a significant effect under (a), (b) or (c). Therefore, the amendments do not significantly affect any existing or future transportation facilities. Based on the above findings, the amendment is consistent with Statewide Planning Goal 12.

Goal 13 - Energy Conservation. To conserve energy.

The amendments do not impact energy conservation. Therefore, Statewide Planning Goal 13 does not apply.

Goal 14 - Urbanization. To provide for an orderly and efficient transition from rural to urban land use.

The amendments do not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, Statewide Planning Goal 14 does not apply.

Goal 15 - Willamette River Greenway. To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

The amendments do not contain any changes that affect the Willamette River Greenway regulations, therefore, Statewide Planning Goal 15 does not apply.

Goal 16 through 19 - Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

There are no coastal, ocean, estuarine, or beach and dune resources related to the property effected by these amendments. Therefore, these goals are not relevant and the amendments will not affect compliance with Statewide Planning Goals 16 through 19.

(2) The amendment is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.

The amendments do not include any change in adopted land use designations or policy, nor does it change any requirements in the City's land use code concerning compliance with the Metro Plan and applicable refinement plans. There are no policies or other applicable provisions in the Metro Plan or adopted refinement plans that specifically serve as mandatory approval criteria in this instance or otherwise limit the expiration period for approved land use applications. Therefore, the amendments comply with the above criterion.

(3) The amendment is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone, in the case of establishment of a special area zone.

The amendments do not establish a special area zone. Therefore, this criterion does not apply.